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PTO/SB/21 (04-04)

OCT 20 2004

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/828,765
		Filing Date	April 20, 2004
		First Named Inventor	Fink, James
		Art Unit	3743
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	016770-007100US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP	Reg. No. 26,201
Signature		
Date	October 18, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Connie Larson		
Signature		Date	October 18, 2004

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On Oct. 18, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Bonnie Larum



PATENT
Attorney Docket No.: 016770-007100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

James Fink

Application No.: 10/828,765

Filed: April 20, 2004

For: VENTILATION SYSTEMS AND
METHODS EMPLOYING AEROSOL
GENERATORS

Examiner:

Art Unit: 3743

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

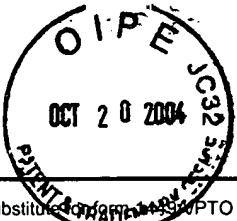
representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Mart C. Matthews
Reg. No. 26,201

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: (303) 571-4321
MCM/cl
60333948 v1

 Substituted copy 14994 PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/828,765
Sheet	1	of		Filing Date	April 20, 2004
				First Named Inventor	Fink, James
				Art Unit	3743
				Examiner Name	
Sheet	1	of		Attorney Docket Number	016770-007100US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-5,245,995	9-21-93	Sullivan et al.	
	AB	US-6,581,595	6-24-03	Murdock et al.	
	AC	US-6,615,824	9-9-03	Power	
	AD	US-2002/0078958	6-27-02	Stenzler	
	AE	US-2003/0150445	8-14-03	Power et al.	
	AF	US-2003/0145859	8-7-03	Bohn et al.	
	AG	US-2004/0035413	2-26-04	Smaldone et al.	
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			
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	AN	US-			
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴ Kind Code ⁵ (if known)		
	AU	PCT	WO 82/03548		<input type="checkbox"/>
	AV				<input type="checkbox"/>
	AW				<input type="checkbox"/>
	AX				<input type="checkbox"/>
	AY				<input type="checkbox"/>
	AZ				<input type="checkbox"/>
	BA				<input type="checkbox"/>
	BB				<input type="checkbox"/>

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

Complete if Known

Application Number	10/828,765
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First Named Inventor	Fink, James
Art Unit	3743
Examiner Name	

Attorney Docket Number **016770-007100US****NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BC	A. SMEDSAAS-LÖFVENBERT, Nebulization of Drugs in a Nasal CPAP System, Scandinavian University Press, 1999, Acta Paediatr 88: 89-92, Sweden.	
	BD	G. JORCH, Letter to the Editor, Surfactant Aerosol Treatment of Respiratory Distress Syndrome in Spontaneously Breathing Premature Infants, Pediatric Pulmonology 24: 222-224, 1997, Wiley-Liss, Inc.	
	BE	E. BERGGREN, Pilot Study of Nebulized Surfactant Therapy for Neonatal Respiratory Distress Syndrome, Acta Paediatr 89: 460-464, Taylor & Francis, ISSN 0803-5253, 2000, Sweden.	
	BF	G. C. SMALDONE, Aerosolized Antibiotics: Current and Future, Respiratory Care, Vol. 45, No. 6, ppg. 667-675.,	
	BG		
	BH		
	BI		
	BJ		
	BK		
	BL		
	BM		

Examiner Signature	Date Considered
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